

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

OFFICIAL COMMITTEE OF UNSECURED CREDITORS, Plaintiff,)	3:13-cv-00010-RCJ-WGC
)	
)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	June 13, 2013
)	
GIACOMO MARINI, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF(S): Jason Maynard (Telephonically)

COUNSEL FOR DEFENDANTS: Kaaran Thomas and Anjali Webster (Present);

Cynthia Alexander (Telephonically)

MINUTES OF PROCEEDINGS: Motion Hearing

11:04 a.m. Court convenes.

I. Preliminary Matters

The court expresses its concern that the parties have not met, in person, to attempt to resolve the discovery disputes raised by both parties in this matter. The Court emphasizes the importance and requirement of personal consultation prior to any discovery dispute motions filed with the Court.

II. Plaintiff's Comments on the "Joint" Status Report Regarding Pending Motions and Request for Sanctions (Dkt. #65)

The Court turns to "Plaintiff's Comments on the "Joint" Status Report Regarding Pending Motions and Request for Sanctions" (Dkt. #65). The court refers to Dkt. #64 to address Plaintiff's motion and to ascertain what is currently pending before the Court.

A. Topic A: Motion File and Resolved by this Court

BK Dkt. #75, #78 and #96 were all granted by District Court Order Dkt. #20. There is

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nothing further to address regarding Topic A.

B. Topic B: Motions Filed, Fully Briefed and Pending Before this Court

District Court Dkt. #23 *Defendants Noventi Ventures II LP and NOventi LLC's Motion to Dismiss as to Adversatry Complaint Claims Two, Three, and Four Only (Rule 12(b)(6))* has been fully briefed and awaiting decision by the Court. The Court advises the parties that this motion will be decided before Chief Judge Jones.

C. Topic C: Motions File Not Fully Briefed Pending Before This Court

District Court Dkt. #40 has been fully briefed and awaiting decision. District Court Dkt. #52 has also been fully briefed (Dkt. #72 Response and Dkt. #83 Reply). Therefore, there is nothing further to address regarding Topic C; however the Court requests that an updated submission of this report be filed. Ms. Thomas agrees to file an Amended Status Report as to Dkt. #64.

D. Topic D: Motions Filed In Bankruptcy Court - Movants Will Not Pursue.

Movants will not pursue the three bankruptcy motions (BK Dkt. #81, #86 and #107) and will file a stipulation to withdraw BK Dkt. #81 and BK Dkt. #107 with prejudice; while a stipulation to withdraw BK Dkt. #86 will be filed without prejudice. The Court requests that the stipulation be filed as one document, referencing all three bankruptcy motions and which are stipulated with or without prejudice.

E. Topic E: Motions Filed in Bankruptcy Court - Movants will Refile in This Court

Movants will refile BK Dkt. #130 (*Defendants Noventi Ventures II LP and Noventi LLC's Motion to Sever (Claims 5-17)*) and BK Dkt. #133 (*Defendants Marini, Rogoff, Hess, Schwab, Henig, Horn and Mosebar's Motion to Sever*) as a "Notice of Filing" on the District Court docket. The two motions will be filed after June 14, 2013, and will be subject to the standard motion briefing schedule governed by Local Rule 7-2, unless the parties stipulate in writing to another briefing schedule.

In view of the Court addressing topics from the Joint Status Report (Dkt. #64) and the Court directing that an updated status report be filed, and the Court finding it not appropriate to impose sanctions on Defendants, "Plaintiff's Comments on the "Joint" Status Report Regarding Pending Motions and Request for Sanctions" (Dkt. #65) is **DENIED**.

By: /s/
Katie Lynn Ogden, Deputy Clerk